4.7 HAZARDS AND HAZARDOUS MATERIALS

This section describes the potential for hazards and/or hazardous materials within the SP area and vicinity, identifies associated regulatory requirements and industry standards, evaluates potential impacts related to implementation of the proposed project, and identifies associated mitigation measures where appropriate. A Phase I Environmental Site Assessment (ESA) was performed by GEOCON (2010c) and is included as Appendix J to this EIR. This section is based, in part, on the findings contained in that report.

4.7.1 Environmental Setting

On-site Conditions

A Phase I ESA was performed by GEOCON (2010c) to identify potential "recognized environmental conditions" (RECs), defined by ASTM International as "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property." Site reconnaissance, historical research, and environmental database review were performed as part of the ESA to determine the presence of RECs within the project study area (i.e., SP area) and vicinity.

Database Records Search

A computerized search of federal, state, regional, and local environmental regulatory agency databases was performed by Environmental Date Resources, Inc. on January 15, 2010 (refer to Appendix J of this Draft EIR for a detailed discussion of the databases searched and the search results). The databases document facilities permitted to use or store hazardous materials or generate hazardous wastes, and properties documented as being associated with unauthorized releases of hazardous materials or wastes (i.e., contaminated properties).

The historical records database search for the SP area and vicinity indicated that, while there is a low risk that the project site currently represents an environmental concern, there are several properties located within an approximately one-mile radius of the area which generate, transport, store, treat, and/or dispose of hazardous wastes, or which have had documented cases of contamination. However, based on the distances of these facilities from the SP area, the status of

the listings associated with the properties, and/or the direction of groundwater flow beneath the site, there is a low risk that these facilities currently present an environmental concern to the site.

Site Reconnaissance

The site reconnaissance was conducted by GEOCON personnel on January 29, 2010 to obtain additional site-specific information regarding the likelihood of identifying RECs and further evaluate potential environmental concerns on site. No RECs which could create a significant hazard to the public or environment through emission of hazardous materials were identified within the project site.

The storage and use of petroleum hydrocarbons were observed in two locations within the SP area. A waste oil above ground storage tank (AST) and four 55-gallon drums containing Mogul AG-471 (a type of pesticide/microbicide) were observed at the Firestone Auto and Tire Store (Firestone) at Westfield Carlsbad. A waste oil AST, six 55-gallon drums containing waste oil, and a waste antifreeze container also were observed at the Sears Automotive Center. In general, housekeeping conditions at both facilities appeared to be good and the facilities did not appear to be considered RECs. Both are present within the SP area; however, neither of the facilities is included within the limits of work for the current SDP proposal.

The mall structures on site were built in the late 1960s and 1970s. Based upon the age of the buildings, asbestos-containing materials (ACM) may be present in the plaster, pipes, tile and carpet mastic and/or lead-based paint (LBP) may be present in the wall paint on site. A limited asbestos screening inventory was conducted at the mall by Dames and Moore (Dames and Moore 2000, as referenced in GEOCON 2010c). ACM was observed in elbow pipe insulation in the main mall structure and acoustical (i.e., popcorn) ceiling texture in the First National Bank structure. In addition, friable ACMs observed in the buildings were in good condition at the time of the site visit. Non-friable ACMs in the form of floor tile and sheet flooring and associated mastics were also observed.

Regulatory Framework

Naturally Occurring Asbestos (NOA)

In July 2002, the ARB approved an Air Toxic Control Measure for construction, grading, quarrying and surface mining operations to minimize naturally occurring asbestos emissions. The regulation requires application of best management practices to control fugitive dust in areas

known to have NOA, and it requires notification to the local air district prior to commencement of ground-disturbing activities.

Structural/Construction Asbestos

Asbestos is a known carcinogen, and inhalation of asbestos may result in the development of lung cancer or mesothelioma. The asbestos contents of many manufactured products have been regulated in the United States for a number of years. In California, where ACM may be encountered during in the workplace during construction/demolition activities, construction safety is regulated by Asbestos Standards for the Construction Industry (ASCI) (29 CFR 1926.1101; 8 California Code of Regulations 1529), administered by the Federal Occupational Safety and Health Administration (OSHA) and Cal-OSHA.

National Emission Standard for Hazardous Air Pollutants (NESHAP) 40 CFR 61

The NESHAP is an asbestos standard that protects the general public from asbestos exposure due to demolition or demolition activities. The NESHAP requires surveys for suspect materials, notification of intent to renovate or demolish or remove regulated ACM before demolition or demolition activities, and proper management of asbestos-containing waste.

Asbestos Standard for the Construction Industry

OSHA regulates asbestos as a worker health and safety issue through the ASCI. EPA regulations concerning the identification, handling, management and abatement of ACMs is found in the Asbestos Hazard Emergency Response Act (AHERA) and the NESHAP.

The ASCI (29 CFR 1926.1101; 8 California Code of Regulations 1529), administered by OHSA and Cal-OSHA, regulates asbestos exposure in the workplace for abatement workers and contractors. The ASCI:

- Specifies how workers and the public are to be protected during removal;
- Provides medical surveillance requirements for workers;
- Provided detailed requirements for how asbestos is to be removed; and,
- Defines training requirements for abatement personnel.

Building materials containing at least one percent asbestos are considered ACM and should be managed according to OSHA requirements.

State and Local Asbestos Requirements

The Department of Toxic Substances Control (DTSC) provides a number of regulatory and oversight functions related to hazardous materials in California, including evaluation and sampling guidelines for specific contaminants and proposed development types. A number of state requirements are associated with the safe handling, removal and disposal of ACMs and LBP, including Section 9021.5 of the state Labor Code; CCR Title 8, Section 1532.1; CCR Title 17, Division 1, Chapter 8; and CCR Title 22, Division 4.5. These requirements are intended to protect the health and safety of workers associated with the removal and disposal of ACMs and LBP during demolition or remodeling operations.

Rule 361.145 of the San Diego County Air Pollution Control District (APCD) provides guidance for the handling and disposal of ACMs, including specific requirements for notification and emissions control.

Other Federal Requirements/Standards

The handling, storage and remediation of hazardous materials are regulated on the federal level by the USEPA. The principal legislative/regulatory vehicles for this process include the Resource Conservation and Recovery Act of 1976 (RCRA, as amended), and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA, as amended). RCRA established a comprehensive regulatory system for investigating and addressing past, present and potential future contamination at hazardous waste treatment, storage and disposal sites. This process includes a system for "cradle to grave" regulation of hazardous wastes, wherein such materials are required to be tracked from the generating facility to the final disposal site (including transport).

CERCLA provides a system to investigate and remediate "uncontrolled or abandoned hazardous waste sites and to address future releases of hazardous substances into the environment." This legislation was amended in 1986 by the Superfund Amendments and Reauthorization Act (SARA). Under Title III of SARA, a nationwide emergency planning and response program established reporting requirements for businesses that store, handle, or produce significant quantities of hazardous or acutely toxic substances as defined under federal laws. Title III of SARA also required each state to implement a comprehensive system to inform federal authorities, local agencies, and the public when a significant quantity of hazardous or acutely toxic substances are stored or handled at a facility.

The USEPA also establishes quantitative thresholds and testing procedures for hazardous materials. Potential applicable criteria for the project site investigation include the Region 9 Preliminary Remediation Goals (PRGs) and testing methods for arsenic (Test 6010B), organochlorine pesticides (Test 8081A) and organochlorine herbicides (Test 8041A). Hazardous material PRGs are defined by the USEPA as "[r]isk-based tools for evaluating and cleaning up contaminated sites," with the Region 9 PRGs combining current agency toxicity values with "standard" exposure factors to estimate contaminant concentrations in environmental media (soil, air and water) that are considered protective of humans, including sensitive groups, over a lifetime. Accordingly, PRGs represent conservative figures due to their use of long-term exposure scenarios for risk calculations, with individuals exposed for shorter durations expected to be subject to correspondingly lower risks.

Other State and Local Requirements/Standards

Regulatory criteria related to the classification of a waste as "California hazardous" for handling and disposal purposes are provided in the California Code of Regulation (CCR) Title 22, Division 4.5, Chapter 11, Article 3, §66261.24. Waste that is classified as hazardous in California requires management as a hazardous waste and disposal at an approved facility, pursuant to CCR specifications.

California Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, identifies and provides regulatory and enforcement standards for "chemicals known to the state to cause cancer or reproductive toxicity." Proposition 65 generally prohibits any discharge or release of such chemicals that could affect drinking water sources, and precludes any person in the course of doing business from knowingly and intentionally exposing any individual to such chemicals without first giving clear and reasonable warning.

The San Diego County Department of Environmental Health (DEH) Voluntary Assistance Program (VAP) provides staff consultation, project oversight, and technical or environmental report evaluation and concurrence (when appropriate) on projects pertaining to properties contaminated with hazardous substances. Specifically, the DEH will evaluate proposed soil reuse or disposal actions that are conducted for the protection of human health, and will issue a concurrence letter if the associated technical information, findings and recommendations demonstrate that human health, water resources and the environment are adequately protected. The DEH also maintains listings of hazardous materials and well sites within the County, as described above in the discussion of the Phase I ESA.

4.7.2 Thresholds for Determining Significance

Appendix G of the State CEQA Guidelines is used to provide direction for determination of a significant hazards or hazardous materials impact from the proposed project. For the purposes of this EIR, a significant impact would occur if the proposed project would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- For a project located within an airport land use plan or, where such a plan has not been adopted within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area;
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

4.7.3 Environmental Impact

No schools are located within one-quarter mile of the project site. However, several residences occur in the vicinity of the project site. Potential impacts to these sensitive receptors, as well as on-site receptors, related to hazardous materials would include short-term construction-related and long-term operational use and storage of potentially hazardous materials.

Hazards to human health and safety analyzed for the SP area and vicinity include natural hazards such as those associated with floodplains and high fire hazard areas, and hazards related to human activities such as the transport, use, and storage of hazardous materials; wildfires;

flooding; airports; and interference with emergency access, evacuation routes, or evacuation plans. The SP area is located within a primarily urban area that does not fall within any floodplains and is not proximate to any wildland fire hazards (as discussed under project compliance with the Public Safety Element of the General Plan in Section 4.9, *Land Use and Planning*). Because the SP area is not located within two miles of a public or private airport, and is not located within the boundaries of an airport land use plan, there would be no impacts to airport operations. Similarly, since the project site is located outside the McClellan-Palomar Airport area of influence and is not in an area covered by an airport land use plan, there would be no impacts to an adopted airport land use compatibility plan.

Construction Impacts

Project construction for the SDP would involve the on-site use and/or storage of hazardous materials such as fuels, lubricants, solvents, concrete, paint, and portable septic system wastes. The location of material storage and construction staging areas would be dictated by the project SWPPP, which includes such measures as regular maintenance of construction equipment, and storage criteria for oil, gasoline, and other potential contaminants that commonly occur during construction activities. Based on compliance with such regulatory requirements, potential impacts from construction-related hazardous materials would be less than significant.

Structural Asbestos

The current SDP proposal would involve the removal, renovation, and/or redevelopment of portions of the northeast, east, and southeast ends of the existing main mall structure and some minor out-buildings. Redevelopment and renovation of existing structures from the 1960s and 1970s could result in the disturbance or removal of ACM and/or LBP. As such, during proposed demolition and renovation activities at Westfield Carlsbad, encountering structural asbestos in building and/or pipe installations is considered likely to occur due to the nature of the old building materials. Prior to the commencement of demolition, any disturbance should be preceded by an asbestos and lead survey of the existing structures by certified ACM and LBP abatement personnel to find possible ACM, including LBP, in accordance with Title 8 of the CCR. If ACM and/or LBP are encountered during the survey and/or construction, proper abatement control, removal and disposal techniques would be used to handle the materials and prevent the exposure of airborne asbestos fibers on people, in accordance with the applicable regulations. If the required measures to control and properly remove ACM and LBP from the site are followed, asbestos-related impacts to air quality during construction would not be significant. However, the potential for ACM and LBP in on-site structures means that their disturbance could result in a potentially significant impact if proper removal procedures are not followed.

Operations Impacts

While proposed on-site uses would not require large-scale handling of hazardous materials, chemicals for routine maintenance and operation of the project would be used intermittently and stored and transported on site in limited amounts. These chemicals may include cleaning and maintenance chemicals (e.g., paints, solvents, and polishes) that could be stored in office and commercial/retail areas, and materials used for general maintenance of the grounds (e.g., pesticides, fuels used for landscape equipment, and pool chemicals) that could be kept in maintenance storage areas. The routine handling and transport of these and other materials as a result of the project may represent a safety hazard for people residing or working in the project area. However, any routine use and handling of hazardous material would be regulated by local, state, and federal standards associated with the handling of hazardous materials, including California Occupational Health and Safety Administration (CalOSHA) requirements. Based on compliance with these regulatory requirements, potential exposure of people to impacts from on-site hazardous materials would less than significant.

The project would not add residents to the SP area which would impact emergency access, response, or evacuation. The project is located along two major roads, El Camino Real and Marron Road, which are designated emergency access or emergency evacuation routes. Six existing driveways/entrances would provide access to the revitalized shopping center within the SP area, and one driveway would provide access to the Westfield Carlsbad parcels south of Marron Road to allow sufficient traffic circulation for evacuation purposes.

The Police Department response time for the project area is six minutes for Priority 1 emergencies (City of Carlsbad 2010a). The City of Carlsbad Fire Department provides all basic fire and emergency medical services to the SP area. Additionally, the Fire Department has agreements with other agencies to provide additional services such as hazardous materials incident responses. As discussed in Section 5.5.5, *Public Services*, the nearest fire station is located approximately one mile southeast of the site on Catalina Drive. Fire lane access required by City regulation is currently, and would continue to be, provided on site.

Based on the foregoing, the current SDP proposal would not impede the ability of emergency services personnel to reach the project site or other nearby locations. The City's Emergency Plan assumes and reflects the land use, population density, and circulation network buildout conditions of the General Plan. The project is consistent with the City's General Plan as described in Section 4.9, *Land Use and Planning*, and, therefore, the project would not impact the execution of the Carlsbad Emergency Plan.

4.7.4 Mitigation Measures

The following mitigation measure would reduce impacts from hazardous materials to public safety and the environment to less than significant levels:

Haz-1 Contract specifications shall require that any building materials found to contain asbestos containing-materials (ACMs) or lead-based paint (LBP) shall be handled using proper Health and Safety precautions and the materials shall be properly disposed as hazardous waste according to federal, state and local regulations. ACMs shall be removed by a licensed asbestos abatement contactor. A certified asbestos consultant shall conduct abatement planning, monitoring (as needed), oversight, and reporting to ensure its proper removal and disposal.

4.7.5 Level of Significance after Mitigation

Implementation of Mitigation Measure Haz-1 would reduce the impact associated with ACM and/or LBP to a level less than significant.

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